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C O N F I D E N T I A L SECTION 01 OF 02 COLOMBO 001765

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DEPARTMENT FOR SCA/INS AND DRL

E.O. 12958: DECL: 10/25/2016
TAGS: PREL PTER PHUM PREF MOPS CE
SUBJECT: SRI LANKA: UN RAPPORTEUR CALLS FOR INTERNATIONAL HUMAN RIGHTS INQUIRY

REF: COLOMBO 1676 AND PREVIOUS

Classified By: Ambassador Robert O. Blake for reasons 1.4(b,d).

¶11. (C) Summary: Calls are mounting for an international commission to investigate human rights abuses in Sri Lanka. The U.S.-based Human Rights Watch, the European Commission, and Amnesty International have recently expressed support for a call by Philip Alston, UN Special Rapporteur on Extrajudicial Killings, to establish an independent international commission to investigate the deteriorating human rights situation in Sri Lanka and its impact on the peace process. (Note: This would be separate from the Commission of Inquiry with international observers that President Rajapaksa has proposed.) Alston calls for "an effective international human rights monitoring mechanism with powers to document and investigate abuses, to report to the relevant authorities, and to work closely with other agencies involved in human rights at all levels." Comment: Embassy does not recommend that the U.S. support the idea of an international independent commission of inquiry at this time, as it would likely undercut the Government of Sri Lanka's efforts to negotiate terms of reference for a credible indigenous commission of inquiry and an international expert advisory panel. End Summary.

¶12. (U) In an October 20 speech to the United Nations General Assembly, UN Special Rapporteur on Extra-Judicial Executions Philip Alston addressed growing concern over human rights in Sri Lanka. He contended that "the spiraling number of extrajudicial executions" marks a significant and dangerous step back in respect for human rights since the 2002 Ceasefire Agreement. Alston argued that the international community must "acknowledge the need for significantly more sustained and high-level international involvement" and "accept the fact that there is no national institution capable of monitoring human rights throughout Sri Lanka." He added that a national commission of inquiry would not be sufficient "even if the Government undertakes to make public all of its findings and to act affirmatively on its recommendations."

¶3. (U) The U.S.-based Human Rights Watch, in a report released September 19, recommended that the Government of Sri Lanka (GSL) agree to the establishment of a UN human rights monitoring mission in Sri Lanka. Following suit, Amnesty International, the International Federation of Human Rights, and the Asian Human Rights Commission made similar calls for international, independent oversight of human rights. In September, the parliament of the European Union called for an international commission to investigate the murders of 17 local Tamil staff members of the French nongovernmental organization Action Contre La Faim (ACF).

¶4. (C) Comment: Embassy recommends that the USG not lend its support to the idea of an international independent commission of inquiry at this time. It would likely undercut Co-chair and others' efforts to work with the Sri Lankan government (GSL) to set up a credible indigenous commission of inquiry with international observers. An entirely international commission would also remove the accountability of the Government of Sri Lanka for addressing its own human rights problems. Further, it would engender a domestic backlash that would not help the GSL to come to closure on key cases such as the August 4 murders of 17 local NGO employees in Muttur. The GSL appears to be nearing an agreement with the UN High Commissioner for Human Rights on the terms of reference for the national Commission of Inquiry and a panel of international experts to advise and monitor its work. This is the more pressing task, and in our opinion, where our efforts should be focused now. If the GSL fails to negotiate credible terms of reference for its Commission of Inquiry, the US and others should consider Alston's proposal.

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